

SECOND REGULAR SESSION

SENATE BILL NO. 1082

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATORS CHILDERS, NODLER, GRIESHEIMER, SHIELDS, GOODE, KENNEDY,
WHEELER, CASKEY, SCOTT, STEELMAN, MATHEWSON, CALLAHAN, DAYS, STOLL, RUSSELL,
FOSTER, CAUTHORN, DOUGHERTY, GIBBONS, COLEMAN, YECKEL,
JACOB, GROSS, BARTLE AND VOGEL.

Read 1st time January 15, 2004, and ordered printed.

TERRY L. SPIELER, Secretary.

3487S.02I

AN ACT

To amend chapter 8, RSMo, by adding thereto seventeen new sections relating to state communications.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 8, RSMo, is amended by adding thereto seventeen new sections, to be known as sections 8.1100, 8.1105, 8.1110, 8.1115, 8.1120, 8.1125, 8.1130, 8.1135, 8.1140, 8.1145, 8.1150, 8.1155, 8.1158, 8.1160, 8.1163, 8.1165, and 8.1170, to read as follows:

8.1100. As used in sections 8.1100 to 8.1170, the following terms shall mean:

(1) "Business continuity", the provision of network connectivity in a manner that ensures access and availability in times of crisis or outage;

(2) "Commission", the state communications commission;

(3) "Division", the division of network efficiency;

(4) "Facility", any real property owned or leased by the state for the use of a public governmental body, or any mobile unit operated by a public governmental body capable of accessing a network via terrestrial or celestial technology;

(5) "Public governmental body", any legislature, judiciary, administrative department, or any division or branch thereof, or any bureau, board, commission, institution, officer or office, college, or university of the state of Missouri;

(6) "Security", the development of standards that provide appropriate management controls to protect the network and its data;

(7) "Telecommunications network efficiency", the increased productivity or effectiveness of network usage;

(8) "Trust fund", the state communications trust fund as established by section 8.1160.

8.1105. There is hereby created within the office of administration a

"Division of Network Efficiency", headed by a director who is appointed by the governor with the advice and consent of the senate. The division shall administer and maintain the telecommunications network infrastructure supporting voice, data, and video communications for public governmental bodies.

8.1110. Prior to fiscal year 2006, the division shall function with the sole purpose of conducting an analysis of existing state telecommunications network capabilities to determine the most efficient long-term state network configuration and network security, including any redundancy required for business continuity considerations. Based on the division's analysis, a telecommunications network plan for the most effective and efficient telecommunications network infrastructure shall be implemented for fiscal year 2006 by the division for all public governmental bodies.

8.1115. In fiscal year 2006 and thereafter:

(1) The division shall be solely responsible for providing network access to all public governmental bodies;

(2) Each public governmental body shall submit a petition to the division, in a form approved by the division, by January 1 of each year, stating the body's current network bandwidth, and the body's anticipated network needs for the following fiscal year;

(3) The division shall be responsible for reviewing all petitions from public governmental bodies for network bandwidth allocation, and after reviewing such petitions, the division shall determine appropriate network bandwidth allocations. Appropriate allocations shall be issued by the division based upon foreseeable usage, as evidenced by the petition submitted by the public governmental body;

(4) Where efficient, the division shall provide maximum bandwidth to a facility housing multiple public governmental bodies, or multiple facilities housing one or more public governmental bodies in close proximity to one another, in order for the public governmental bodies to share access rather than providing individual service to each public governmental body;

(5) The division may issue a yearly exemption for public governmental bodies who show a legitimate need for an exemption from the provisions of sections 8.1100 to 8.1150.

8.1120. Periodically the division shall reevaluate the telecommunications network plan based on technological advances, cost benefit analysis, and the addition of facilities housing public governmental bodies in close proximity to existing network access.

8.1125. An annual analysis of state telecommunications network efficiency

shall be submitted by May fifteenth each year to the commissioner of administration, the governor, and the general assembly. The results of the analysis of each facility shall be submitted to the state agency which owns or operates that state facility.

8.1130. The office of administration shall establish rules to carry out the provisions of sections 8.1100 to 8.1150.

8.1135. The state treasurer shall establish, maintain, and administer a special trust fund to be administered by the office of administration and to be known as the "Telecommunications Network Efficiency Account", from which the division shall use moneys to carry out the purposes stated in sections 8.1100 to 8.1150.

8.1140. All moneys duly authorized and appropriated by the general assembly, all moneys received from federal funds, gifts, bequests, donations, any other moneys so designated, and all interest earned on and income generated from moneys in the account shall immediately be paid to and deposited in the telecommunications network efficiency account.

8.1145. The full balance, or any portion thereof, of the telecommunications network efficiency account shall be available to be used by the division to carry out sections 8.1100 to 8.1150, subject to appropriation.

8.1150. Except as otherwise provided in sections 8.1100 to 8.1150, the provisions of section 33.080, RSMo, requiring the transfer of unexpended funds to the ordinary revenue funds of the state shall not apply to funds in the telecommunications network efficiency account.

8.1155. 1. A "State Communications Commission" is hereby created and established, which said state communications commission shall be vested with and possessed of the powers and duties found within sections 8.1155 to 8.1170, necessary or proper to enable it to carry out fully and effectually all the purposes of sections 8.1155 to 8.1170.

2. (1) The commission shall consist of twelve members, the members of the commission shall be appointed by the governor, with the advice and consent of the senate, and one of whom shall be designated by the governor to be chair of the commission. The commission shall consist of representatives from the division of network efficiency, the office of homeland security, the Missouri highway patrol, the water patrol, the department of agriculture, state emergency management agency, Missouri national guard, the university extension, two members of the Missouri sheriffs' association, a member of the Missouri police chiefs' association, and a member of the fire fighters association of Missouri.

(2) Members who move from the state, or are no longer employed by or

belong to the agency or group they represent, during their term on the commission shall be deemed to have vacated their position on the commission.

(3) The members shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses incurred in performance of their official duties with the commission.

(4) Each member, at the time of their appointment and qualification, shall be a resident of the state of Missouri, and shall have resided in the state for a period of at least one year next preceding the appointment and qualification, and also shall be a qualified voter therein and not less than twenty-five years of age.

(5) Upon the expiration of each of the terms of office of the first members of the commission, the term of office of each member thereafter appointed shall be six years from the time of the member's appointment and qualification and until his successor shall qualify.

(6) Vacancies in the commission shall be filled by the governor for the unexpired term.

3. The governor may remove any member for inefficiency, neglect of duty, or misconduct in office.

4. (1) The duty of the commission shall be to coordinate and implement communication infrastructure for the state, including but not limited to network capability, interoperable communications, and public safety communication initiatives.

(2) The commission shall have the authority and responsibility to establish statewide policies with respect to state communication infrastructure.

(3) The commission shall establish rules to carry out the provisions of sections 8.1155 to 8.1170.

(4) The commission shall have absolute discretion in disbursement of trust fund monies and all other matters consistent with sections 8.1155 to 8.1170.

5. The commission shall be staffed by an appropriations staff member from both the house of representatives and the senate who shall serve in an advisory role.

6. The commission shall promptly and duly organize. A majority of the members shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power of the commission, and shall hold meetings of the commission at least quarterly with the chairman reserving the right to call more frequent meetings as deemed necessary.

8.1158. The chairman of the commission shall designate from time to time, by order entered of record, some member of the commission to act as chairman during the absence or sickness of such chairman appointed by the governor, and

during such time the member so appointed shall possess all the powers of the regular chairman. No vacancy in the commission shall impair the right of the remaining members to exercise all the powers of the commission.

8.1160. (1) There is hereby established in the state treasury the "State Communications Trust Fund" to be held separate and apart from all other public moneys and funds of the state. Moneys in the fund shall not be subject to appropriation for purposes other than those provided in sections 8.1155 to 8.1170. All moneys in the fund shall be used for the purposes of sections 8.1155 to 8.1170 only. Notwithstanding the provisions of section 33.080, RSMo, to the contrary, the moneys in the fund shall not revert to the credit of general revenue at the end of the biennium.

(2) Moneys in the state communications trust fund shall be used strategically to enhance Missouri's capacity and ability to create and maintain an effective and efficient statewide communications infrastructure.

(3) All monies provided by the federal government, or any other source, for communications initiatives shall be accepted for and placed into the fund. However, any such funds wherein Missouri's qualification for such funds are inconsistent with the provisions of sections 8.1155 to 8.1170 shall be exempt from sections 8.1155 to 8.1170.

(4) All state communications funds for all public governmental bodies, notwithstanding section 8.1155, shall be appropriated to the state communications trust fund.

8.1163. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in sections 8.1100 to 8.1170 shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2004, shall be invalid and void.

8.1165. The commission shall submit to the governor and general assembly, annually, a communications infrastructure report covering its operations and accomplishments, receipts and expenditures, assets and liabilities, and any other information the commission deems necessary. Such report shall serve to educate and guide the general assembly during the state budget process.

8.1170. The provisions of sections 23.250 to 23.298, RSMo, shall not apply to the provisions of sections 8.1100 to 8.1170.

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